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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,150	01/15/2004	Hsing Yue Chane	LYP4001	3154
7590 03/29/2006			EXAMINER	
Hsing Yue Chane 235 Chung-Ho Box 8-24 Taipei, TAIWAN			SHAH, AMEE A	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/757,150	Applicant(s) CHANE, HSING YUE	
	Examiner Amee A. Shah	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-4 are pending in this action.

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Taiwan on July 28, 2003. It is noted, however, that applicant has not filed a certified copy of the 92120479 application as required by 35 U.S.C. 119(b).

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) and (5) because:

- (1) reference character "11" has been used to designate both the browser and Internet (designated as two separate components in Fig. 1);
- (2) they include the following reference character(s) not mentioned in the description: 2 and 31; and
- (3) reference character 328 is referred to as a group in the description (page 4) but as a step of transferring profit in the drawing (Fig. 2).

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet

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submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1 and 3 are objected to because of the following informalities: (1) “the registers includes” (line 4 of the claims) should likely be -- the registered includes...-- and (2) “determine a return profit...” (line 19 of the claims) should likely be -- determining a return profit... --, and “displayed the returning profit on the frame” should likely be -- displaying the returning profit...--. Appropriate corrections are required.

Claim Rejections - 35 U.S.C. § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 3 refer to “users,” but the definition of user is unclear. Within the claims, user is defined as various people. It is not clear to one of ordinary skill in the art how user is defined. Users can be both buyers and sellers (line 4 – “registers includes users, i.e., buyers, and sellers”), just sellers (line 4 – “each of the users and buyers”), or just buyers (line 6 – “registered

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users and sellers”). Because claims 2 and 4 are dependencies of claims 1 and 3, they inherit the same deficiency and are also rejected. For purposes of this action only, the Examiner will interpret users to be either buyers or sellers.

Claims 1 and 3 recite the limitation "the commodity messages" in lines 9-10 of the claims. There is insufficient antecedent basis for this limitation in the claim. Because claims 2 and 4 are dependencies of claims 1 and 3, they inherit the same deficiency and are also rejected. For purposes of this action only, the Examiner will interpret “the commodity messages” to be commodity messages.

Claims 1 and 3 recite the limitations “paying fees by clicking related icons on the frame” (lines 17-18 of the claims) and “display[ing] the return profit on the frame...” (line 19 of the claims). It is not clear to one of ordinary skill in the art as to which frame this limitation refers. This frame can be the frame representing a network of the seller (line 12 of the claims) or the frame displayed to the user including a menu (line 14 of the claims). Because claims 2 and 4 are dependencies of claims 1 and 3, they inherit the same deficiency and are also rejected. For purposes of this action only, the Examiner will interpret the frame used in clicking icons to be the frame displayed to the user and the frame used to display profit to be a separate frame.

Examiner Note

Examiner cites particular pages, columns, paragraphs and/or line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is

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respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwahara et al., U.S. Pat. App. Pub. No. 2002/0016745 A1 (hereinafter referred to as “Kuwahara et al.”) in view of Obata, U.S. Pat. App. Pub. No. 2002/0123927 A1 (hereinafter referred to as “Obata”).

Referring to claims 1 and 3. Kuwahara et al. discloses an interacting ordering method with a function of re-directing returning profits comprising the steps of:

- registering to a shopping network association wherein the registers includes users, i.e., buyers, and sellers, each of the users and buyers has a respective network station (pages 6-7, ¶¶0115-0117) ;

- providing platforms, commodity resources and management databases to the registered users and sellers by the shopping network association so that the shopping network

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association provides commodity messages of the sellers through the network station (page 5, ¶0088);

- building a connection between the user and the shopping network association through a network browser (pages 5 and 10, ¶¶0091 and 0167 – note the connection is the communication network);
- clicking an icon on the frame representing a network of the seller registered to the shopping network association (Fig. 9 and page 10, ¶¶0169-0171 – note the icon is the link);
- displaying a frame to the user wherein the frame includes a menu for reading the data of all the commodities and the operation of the network station (page 10, ¶0171);
- selecting desired commodities and paying fees by clicking related icons on the frame (pages 10-11, ¶¶0174-0179 and 0184-0185);
- determining a return profit about the transaction (pages 7-8, ¶¶0127-0129); and
- paying the returning profit directly to the user (pages 7 and 12, ¶¶0127-0129 and 0203-0204).

Kuwahara et al. does not disclose displaying the returning profit or paying the profit directly to the virtual account of the user or another user by an allowance from the user buying the commodity. Obata, in the same field of endeavor of e-shopping and returning profits, discloses a method to share profit amongst many participants contributing to the development of an article, including displaying the returning profit per user and paying the returning profit directly to the virtual account of the user or to a virtual account of another user by an allowance from the user buying the commodity (page 5, ¶¶0069-0071 – note the virtual account is the

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“individual return value” field and the virtual account of another is the use of the value for other services, shopping, gift certificate, prepaid card or money which can go to another account).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Kuwahara et al. to include the teachings of Obata to allow for the display of the factor for goods and services in a kiosk or at a point of sale terminal. Doing so would allow for displaying the returning profit per user and paying the returning profit directly to the virtual account of the user or to a virtual account of another user by an allowance from the user buying the commodity. Doing so allows the user to know exactly how well his/her product is selling and allows for more efficient transfer of value to the user.

Referring to claims 2 and 4. Kuwahara et al. in view of Obata discloses the interacting ordering method with a function of re-directing returning profits as claimed in claims 1 and 3, as discussed above, wherein the resource provided includes an order management system (Kuwahara, Fig. 1, and pages 5 and 7, ¶¶0088 and 0119-0120), but does not explicitly disclose a client service system; an order database; a commodity ordering management system ; a commodity selling management system, a commodity database; a commodity price and discount of the order identification; a group data management system, a virtual account management system, a network content management system, and an identified group database. As analyzed above, Kuwahara shows providing platforms, commodity resources and management databases to the registered users and sellers by the shopping network association so that the shopping network association provides commodity messages of the sellers through the network station (page 5, ¶0088) – namely the order management server and disclosed invention. However, this difference is only found in the nonfunctional descriptive material and is not functionally

involved in the providing step recited. The providing of platforms, commodity resources and management databases to the registered users and sellers by the shopping network association so that the shopping network association provides commodity messages of the sellers through the network station would be performed in the same manner regardless of whether the resources were encompassed in one order management server or were split into commodity selling management system, a commodity database, a commodity price and discount of the order identification, a group data management system, a virtual account management system, a network content management system, and an identified group database. Thus, the non-functional descriptive material will not distinguish the claimed invention from the prior art Kuwahara et al. in terms of patentability. *See In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowrey*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide platforms, commodity resources and management databases to the registered users and sellers by the shopping network association so that the shopping network association provides commodity messages of the sellers through the network station, whether encompassed in one order management server or split into a commodity selling management system, a commodity database, a commodity price and discount of the order identification, a group data management system, a virtual account management system, a network content management system, and an identified group database, because such specific structures do not functionally relate to the providing resources step and also because the exact nature of the resources does not patentably distinguish the claimed invention.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) Perri, III et al., U.S. Pat. App. Pub. No. 2001/0020231 A1, discloses a marketing method for providing electronic compensation including providing incentive to those who joint the marketing system by crediting their account directly with compensation (see, e.g., pages 3-9).

(2) Shiimori et al., U.S. Pat. App. Pub. No., 2002/0091766 A1, discloses a method for sharing images in which portions of the profit made by offering the service are returned to the corresponding planner and contributor (*see* entire document).

(3) Holm et al., U.S. Pat. App. Pub. No. 2003/0220863 A1, discloses a system and method for varying electronic payments between buyers and sellers including allowing a rebate that is a percentage of profit (*see, e.g.,* Fig. 8 and pages 11-12).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ameer A. Shah whose telephone number is 571-272-8116. The examiner can normally be reached on Mon.-Fri. 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rob Pond can be reached on 571-272-6760. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AAS
March 22, 2006


J.C. Garof
Primary Ex.